

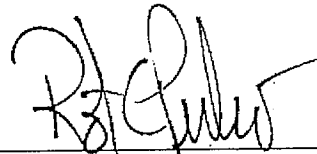
AVAILABILITY OF MODIFIED TEXT

NOTICE IS HEREBY GIVEN that the Board of Chiropractic Examiners (hereafter "board") is proposing modifications to the text of sections 360, 361, 362, 363, 363.1, 364, 365, 366, 370, 371 and 372. A hearing was not scheduled for this regulatory proposal, nor was one requested. A copy of the modified text is enclosed and is also available on the board's web site at www.chiro.ca.gov. Any person who wishes to comment on the proposed modifications may do so by submitting written comments on or before March 15, 2011, to the following:

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Dated: _____

02/28/11



ROBERT PULEO, Executive Officer
Board of Chiropractic Examiners

**Board of Chiropractic Examiners
Continuing Education & Annual License Renewals
California Code of Regulations, Title 16, Division 4, Articles 6 and 7.5**

15-Day Proposed Language

The following proposed language reflects the changes to the regulations as they appeared in the Order of Adoption based on the previous 45-day and 15-day comment period with proposed changes to the language approved by the Board shown in single strikeout for deletions and single underline for additions. Proposed new changes to the regulation are shown in bold and double underline. Proposed new deletions to the regulation are shown in double strikethrough. (For purposes of comparison, copies of the prior noticed versions of this regulation are available on the Board's website at <http://www.chiro.ca.gov/business/rulemaking.html> and are also available upon request.)

Article 6. Continuing Education

§ 360. Continuing Education Fees.

The following represents fees for continuing education:

- (a) Continuing Education Provider Application Fee: \$75
- (b) Biennial Continuing Education Provider Renewal Fee: \$50
- (c) Continuing Education Course Application Fee: \$50 per course. A course is defined in Section 363.

NOTE: Authority cited: Sections 1000-4(b) and 1000-4(e), Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii), Reference: Section 1000-4(b), 1000-10(a), Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii).

§355.2. Inactive License.

~~A licensed chiropractor may apply to the board to request that his or her license be placed on inactive status. An inactive license shall be renewed during the same time period at which an active license is renewed. The renewal fee for a license in an inactive status shall be the same fee assessed for renewal of an active license. Licensees holding an inactive license shall be exempt from continuing education requirements.~~

~~—The holder of an inactive license shall not engage in the practice of chiropractic during the time the license is inactive.~~

~~—Licensees on inactive status who have not committed any acts or crimes constituting grounds for discipline may submit a written request for an active license and the following:~~

- ~~(a) Evidence of board-approved continuing education for each 12-month period or portion thereof the license was inactive. The continuing education must be taken prior to the request for activation and shall comply with California Code of Regulations section 356; or~~
- ~~(b) If practicing in another state, provide proof of licensure and continuing education from that state for each 12-month period the license was inactive in California.~~

~~Note: Authority cited: Sections 1000-4(b) and 1000-10, Business and Professions Code. (Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii).
Reference: Sections 1000-4(b) and 1000-10, Business and Professions Code, (Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii).~~

§356 361. Course Content. Continuing Education Requirements.

~~(a) All doctors engaged in active practice, whether on a full-time or part-time basis, shall complete a minimum of twelve (12) hours per licensing year of continuing education courses approved by the board.~~

~~—The board shall consider for approval the application of any continuing education course which conforms to the criteria below and is sponsored by a board-approved continuing education provider.~~

~~—A continuing education course may contain more than twelve (12) hours of approved subject material. Any twelve (12) approved hours may be selected for continuing education credit, provided, however, the same course may not be attended more than once for credit within that licensing year, and four (4) hours of every twelve (12) hours selected for continuing education credit must be in the subject area of adjustive technique. The four (4) hours in adjustive technique may be satisfied by lecture and demonstration.~~

~~—The basic objectives and goals of continuing education are the growth, maintenance of knowledge and competency, the cultivation of skills, and greater understanding, with a continual striving for excellence in chiropractic care and the improvement in the health and welfare of the public.~~

~~—(b) Each course approved by the board must present subject material directly related to the concepts of chiropractic principles and practice including diagnostic procedures, patient care and management. The board recommends special attention be given to the following:~~

~~—(1) Principles of practice of chiropractic and office procedures including, but not limited to:~~

~~—(A) Chiropractic treatment and adjustment technique, including physiotherapy, nutrition and dietetics;~~

~~—(B) Examination and diagnosis or analysis including physical, laboratory, orthopedic, neurological and differential;~~

~~—(2) Radiographic technique and interpretation involving all phases of roentgenology as permitted by law;~~

~~—(A) Study of the methods employed in the prevention of excessive radiation and safety precautions to the patient;~~

~~—(3) Postgraduate studies including, but not limited to, subjects contained within groups one through six of Section 5 of the Chiropractic Initiative Act;~~

~~—(4) Insurance procedures and reporting~~

(a) For purposes of Articles 6 and 7.5, "implementation date" means two years following [insert the effective date].

(b) For license renewals that expire on or after the implementation date, the number of required hours of continuing education courses shall be twenty-four (24). For license renewals that expire prior to the implementation date, the number of required hours of continuing education courses shall be twelve (12).

(c) For license renewals that expire on or after the implementation date, a maximum of twelve (12) continuing education hours may be completed through distance learning as defined in Section 363.1. For license renewals that expire prior to the implementation date, a maximum of six (6) continuing education hours may be completed through distance learning as defined in Section 363.1.

(d) Any continuing education hours accumulated before [insert the effective date of this regulation] that meet the requirements in effect on the date the hours were accumulated, will be accepted by the board for license renewals.

(e) On or after the implementation date, licensees shall complete a minimum of two (2) hours in subdivision (g)(11), Ethics and Law, a minimum of four (4) hours in any one of, or a combination of, the subject areas specified in subdivision (g)(3) – History Taking and Physical Examination Procedures, subdivision (g)(5) – Chiropractic Adjustive Techniques or Chiropractic Manipulation Techniques, or subdivision (g)(10) – Proper and Ethical Billing and Coding.

(f) With the exception of the mandatory hours referenced in subdivision (e), the remaining eighteen (18) hours of additional continuing education requirements may be met by taking courses in any of the subject areas listed in subdivision (g) or courses taken pursuant to subdivision (h). The eighteen (18) hours may include any combination of continuing education courses in subject areas specified in either

subdivision (g) or approved by agencies specified in subdivision (h). By way of example, a licensee may take eight (8) hours of continuing education courses in subject areas listed in subdivision (g), that are approved by the board, and ten (10) hours of continuing education courses that are approved by the California Department of Industrial Relations, Division of Workers Compensation pursuant to subparagraph (1) of subdivision (h).

(g) Courses approved by the board shall be limited to the following subject areas:

1. Philosophy of chiropractic, including the historical development of chiropractic as an art and science and health care approach; the vertebral subluxation complex and somato-visceral reflexes including their relationships between disease and health; and other chiropractic theory and philosophy.

2. Instruction in basic sciences of anatomy, histology, neurology, physiology, nutrition, pathology, biochemistry or toxicology.

3. Instruction in various basic to comprehensive history taking and physical examination procedures, including but not limited to orthopedic, neurological and general diagnosis related to evaluation of the neuro-musculoskeletal systems, and includes general diagnosis and differential diagnosis of all conditions that affect the human body.

4. Diagnostic testing procedures, interpretation and technologies that aid in differential diagnosis of all conditions that affect the human body.

5. Chiropractic adjustive techniques or chiropractic manipulation techniques.

6. Pain management theory, including, but not limited to, current trends in treatment and instruction in the physiology and anatomy of acute, sub-acute and chronic pain.

7. Physiotherapy.

8. Instruction in Manipulation Under Anesthesia including the safe handling of patients under anesthesia.

9. Instruction in the aspects of special population care, including, but not limited to, geriatric, pediatric, and athletic care as related to the practice of chiropractic.

10. Instruction in proper and ethical billing and coding, including accurate and effective record keeping and documentation of evaluation, treatment and progress of a patient. This is not to include practice building or patient recruitment/retention or business techniques or principles that teach concepts to increase patient visits or patient fees per case.

11. Ethics and law: including but not limited to: truth in advertising; professional boundaries; mandatory reporting requirements for child abuse/neglect, elder

abuse/neglect; spousal or cohabitant abuse/neglect; sexual boundaries between patient and doctors; review of the specific laws, rules and regulations related to the practice of chiropractic in the State of California.

12. Adverse event avoidance, including reduction of potential malpractice issues.

13. Pharmacology, including side effects, drug interactions and the pharmacodynamics of various commonly prescribed and over-the-counter drugs; drug reactions and interactions with herbs, vitamins and nutritional supplements; blood and urinalysis testing used in the diagnosis and detection of disease, including use of and interpretation of drug testing strips or kits utilizing urinalysis, saliva, hair and nail clippings.

14. A licensee may earn up to a maximum of two (2) hours of continuing education credit in cardiopulmonary resuscitation, basic life support or use of an automated external defibrillator.

15. Board Meeting: A licensee may earn a maximum of four (4) hours of continuing education credit per renewal period for attending a full board meeting that includes the hearing of cases related to petitioners seeking the reinstatement of revoked licenses or early termination of probationary licenses. A petitioner may not earn any continuing education hours for attending a board meeting on the same day in which said petitioner's hearing is conducted. The attendance of a licensee at a board meeting under this subparagraph shall be monitored and confirmed by board staff designated by the Executive Officer.

16. Any of the following as related to the practice of chiropractic:

A) Principles of practice.

B) Wellness. (prevention, health maintenance)

C) Rehabilitation.

D) Public health.

(h) With the exception of the mandatory courses specified in subdivision (e), the remaining continuing education requirements may be met by taking continuing education courses, including distance learning, that are approved by either of the following:

1) The California Department of Industrial Relations, Division of Workers Compensation.

2) Any Healing Arts Board or Bureau within Division 2 of the Business and Professions Code or approved by any organization authorized to approve continuing education by any Healing Arts Board or Bureau in Division 2 of the Business and Professions Code.

(i) The continuing education providers and courses referenced in subdivision (h) do not need to be approved by the Board for credit to be granted nor do they need to meet the requirements contained in Sections 362, 363, and 363.1.

NOTE: Authority cited: Sections 1000-4(b) and 1000-4(e), Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii).

Reference: Sections 1000-4(b) and 1000-10(a), Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii).

§356.5 362. Continuing Education Provider Approval, Duties, and Responsibilities.

~~(a) In order to become and remain eligible for approval by the board as a continuing education provider, each provider must comply with provisions (b)(1) through (b)(10) of this section and provisions of section 357. Failure to comply with these provisions may result in the withdrawal of approval of the provider by the board. A provider that has had its approval withdrawn by the board shall not be eligible to provide continuing education credit until the board reinstates the provider. A provider that has lost approval may reapply to the board for approval as a continuing education provider after a period of suspension established by the board at the time that approval is withdrawn not to exceed two years.~~

(a) CONTINUING EDUCATION PROVIDER DENIAL AND APPEAL PROCESS: If an application is denied under this section, the applicant shall be notified in writing of the reason(s) for the denial. The applicant may request an informal hearing with the Executive Officer regarding the reasons stated in the denial notification. The appeal must be filed within 30 days of the date of the denial notification.

The Executive Officer shall schedule the informal hearing within 30 days of receipt of the appeal request. Within 10 days following the informal hearing, the Executive Officer shall provide written notification of his or her decision to the denied applicant. If the Executive Officer upholds a denial under this section, the applicant may, within 30 days of the date of the Executive Officer's denial notification, request a hearing before the board to appeal the denial. The Executive Officer shall schedule the requested hearing at a future board meeting but not later than 180 days following receipt of the request. Within 10 days of the hearing before the board, the Executive Officer shall provide written notification of the board's decision to the applicant. The board's decision shall be the final order in the matter.

(b) Each continuing education provider shall: **As used in this section, a provider is an individual, partnership, corporation, professional association, college or any other entity approved by the board to offer board approved continuing education courses to licensees to meet the annual continuing education requirements set forth in Section 361 of these regulations.**

- (1) Make written application to the board for approval as a continuing education provider, and also provide to the board a written mission statement that outlines the provider's continuing education objectives and declares the provider's commitment to conform to the standards set forth in this section. Applications for approval shall be submitted to the board office at least 30 days prior to a scheduled board meeting. Providers with applications that are incomplete will be notified of the deficiencies in writing within three weeks from the date of receipt. Complete applications will be reviewed at the scheduled board meeting and notification of the board's decision will be provided in writing within two weeks following the board meeting;
- (2) Have engaged in the business of providing education to licensed health care professionals consisting of no less than one course in each year of a five-year period immediately preceding the date of application for approval by the board as a continuing education provider;
- (3) Designate a person responsible for overseeing all continuing education activities of the provider and provide written notification to the board identifying that individual;
- (4) Use teaching methods that ensure student comprehension of the subject matter and concepts being taught;
- (5) Establish and maintain procedures for documenting completion of courses, retain attendance records for at least four (4) years from the date of course completion, and furnish the board with a roster of persons completing the course, including the name and state chiropractic license number of each course participant, within sixty (60) days of course completion. Failure to submit the list of course participants within sixty (60) days of course completion may be grounds for withdrawal or denial of course approval;
- (6) Be responsible for maintaining full-time monitoring of course attendance. If any participant's absence from the room exceeds ten (10) minutes during any one hour period, credit for that hour shall be forfeited and such forfeiture shall be noted in the provider's attendance report submitted to the board as required in subsection (b)(5) of this section. It shall further be the responsibility of the provider to see that each person in attendance is in place at the start of each course period. Failure to maintain proper attendance monitoring procedures may be grounds for withdrawal or denial of course approval;
- (7) Ensure availability to course participants of meeting rooms, study aids, audiovisual aids, and self-instructional materials designed to foster learning and ensure student comprehension of the subject matter and concepts being taught;
- (8) Disclose in any continuing education course advertising if expenses of the program are underwritten or subsidized by any vendors of goods, supplies, or services;
- (9) Inform the board immediately of any event that may affect the provider's approval as a continuing education provider by the board;

~~—(10) Inform the board in writing immediately of any change to the course that would affect the date, time or location when or where the course will be held.~~

(c)(1) To apply to become an approved provider, an applicant shall complete and submit a "Continuing Education Provider Application" form (Revision date 02/10) which is hereby incorporated by reference, and pay the fee specified in Section 360(a). Applications for approval shall be submitted to the board office at least 30 days prior to a scheduled board meeting. Providers with applications that are incomplete will be notified of the deficiencies in writing within three (3) weeks from the date of receipt. Complete applications will be reviewed at the scheduled board meeting and notification of the board's decision will be provided in writing within two (2) weeks following the board meeting.

(2) The approval of the provider shall expire two (2) years after it is issued by the board and may be renewed upon the filing of the "Continuing Education Provider Application" form (Revision date 02/10) and fee specified in Section 360(b).

(3) Providers who were approved by the board prior to the effective date of this regulation shall renew their provider status two years from [insert the effective date of this regulation] by filing of the "Continuing Education Provider Application" form (Revision date 02/10) and fee specified in Section 360(b).

(4) The board will not process incomplete applications nor applications that do not include the correct application fee.

(d) Providers shall:

(1) Identify an individual responsible for overseeing all continuing education activities of the provider.

(2) Provide a course roster to the board, within 30 days, upon written request. Course rosters shall include the names of all licensees, license numbers, and e-mail addresses if available. Failure to submit the roster upon written request within thirty (30) days may result in the withdrawal or denial of previous course approval and withdrawal of provider status. Providers shall maintain the course roster for four (4) years from the date of completion of the course.

(3) Maintain course instructor curriculum vitae or resumes for four (4) years.

(4) Disclose to prospective participants the names of the individuals or organizations, if any, who have underwritten or subsidized the course. Providers may not advertise, market, or display materials or items for sale inside the room while the actual instruction is taking place. Nothing in this section shall be interpreted to prohibit a provider from mentioning a specific product or service solely for educational purposes.

(5) Inform the board in writing immediately of any change to the date, time or location of the course.

(6) Provide a certificate of completion to licensees within 30 days following completion of the continuing education course. Providers shall retain records of course completion for four (4) years from the date of completion and provide records of completion to the Board within thirty (30) days, upon written request. The certificate shall include the following information:

(A) Name and address of provider.

(B) Course title.

(C) Course approval number.

(D) Date(s) and location of course.

(E) Licensee name.

(F) License number.

(G) Printed name and signature of the provider's designated representative.

(H) Number of hours the licensee earned in continuing education, including the type of mandatory hours, and whether the hours were obtained in classroom instruction or distance learning.

(e) The Executive Officer, after notification, may withdraw approval of any continuing education provider for good cause, including, but not limited to, violations of any provision of the regulation or falsification of information, and shall provide written notification of such action to the provider. The provider may request an informal hearing with the Executive Officer regarding the reasons for withdrawal of approval stated in the Executive Officer's notification. The appeal must be filed within 30 days of the date of the notification. The Executive Officer shall schedule the informal hearing within 30 days of receipt of the appeal request. Within 10 days following the informal hearing, the Executive Officer shall provide written notification of his or her decision to the provider. If the Executive Officer upholds his or her decision under this subsection, the provider may, within 30 days of the date of the Executive Officer's notification, request a hearing before the board to appeal the Executive Officer's decision. The Executive Officer shall schedule the requested hearing at a future board meeting but not later than 180 days following receipt of the request. Within 10 days of the hearing before the board, the Executive Officer shall provide written notification of the board's decision to the provider. The board's decision shall be the final order in the matter.

NOTE: Authority cited: Sections 1000-4(b) and 1000-4(e), Business and Professions Code **(Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii).**

Reference: Sections 1000-4(b) and 1000-10(a), Business and Professions Code
(Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii).

§357 363. Approval of Continuing Education Courses.

~~(a) The application for approval of a continuing education course shall be submitted to the board office at least 45 days prior to the date of the course and shall include a nonrefundable application fee of \$50.00 and any other documentary information required by the board pursuant to section 356. The application fee for ongoing postgraduate courses presented by chiropractic institutions accredited by the Council on Chiropractic Education (C.C.E.) is due upon initial receipt of the application for approval, regardless of the number of course meetings in one calendar year. Courses with schedules continuing into a second calendar year must submit a new application for the second year if continuing education credit hours are to be offered for that year. The new application for the second year must contain the required fee (\$50.00).~~

~~— If a course meets the criteria of the board, the board shall notify the provider when a course has been approved. Mention of such approval shall be included in announcements of the program and the printed program itself as follows: “Approved by the California State Board of Chiropractic Examiners for license renewal.”~~

Providers must complete and submit a “Continuing Education Course Application” form (Revision date 02/10) which is hereby incorporated by reference, and pay the non-refundable application fee as provided by Section 360(c) at least 45 days prior to the date of the course. Providers shall submit and complete one application for each continuing education course being offered.

(b) A “course” is defined as an approved program of coordinated instruction in any one of the subject areas as defined in Section 361(g) and given by an approved Provider. Once approved, a course may be given any number of times for one year following approval, with the single continuing education course fee paid one time annually by the provider. A course may not consist of more than one subject area as defined in Section 361(g).

(c) The following documentation shall be submitted with each Continuing Education Course Application:

(1) An hourly breakdown of the continuing education course;

(2) A final copy of the syllabus/course schedule including seminar name, date and location of seminar, instructor(s) name, course description, educational objectives, teaching methods, course schedule/outline, recommended reading, disclosure of expenses underwritten or subsidized by vendors of any goods, and supplies or services;

(3) A copy of the course brochure and all other promotional material to be used;

(4) A curriculum vitae for each instructor including the instructor's name and address; the type of educational degree including the name of the college and year the degree was received; license information including status and name of licensing agency; certification including status and name of certifying agency; the type, location and years of practical experience; the type, location and years of teaching experience; the type, location and years of research experience; the type, location and years of other relevant experience; and the title, journal, and date of publications.

~~A "course" is defined as an approved program of coordinated instruction, in any one of the subject areas as defined in Section 361(g) and given by an approved Provider. Once approved, a course may be given any number of times for one year following approval, with the single continuing education course fee paid one time annually by the Provider.~~

~~(bd) Any board member, or members, or board designee shall have the right to inspect or audit any approved chiropractic course in progress.~~

DENIAL AND APPEAL PROCESS: If a course application is denied under this section, the applicant shall be notified in writing of the reason(s) for the denial. The applicant may request an informal hearing regarding the reasons stated in their denial notification, with the Executive Officer. The appeal must be filed within 30 days of the date of the denial notification.

The Executive Officer shall schedule the informal hearing within 30 days of receipt of the appeal request. Within 10 days following the informal hearing, the Executive Officer shall provide written notification of his or her decision to the denied applicant. If the Executive Officer upholds a denial under this section, the applicant may, within 30 days of the date of the Executive Officer's denial notification, request a hearing before the board to appeal the denial. The Executive Officer shall schedule the requested hearing at a future board meeting but not later than 180 days following receipt of the request.

Within 10 days of the hearing before the board, the Executive Officer shall provide written notification of the board's decision to the applicant. The board's decision shall be the final order in the matter.

~~(ee) The board, may, after notification and an opportunity to be heard, withdraw approval of any continuing education course, and shall immediately notify the provider of such action.~~

Only those courses that meet the following shall be approved:

(1) No more than twelve (12) hours of continuing education credit shall be awarded to an individual licensee for coursework completed on a specific date.

(2) Each hour of continuing education credit shall be based on at least fifty (50) minutes of participation in an organized learning experience. Class breaks shall be at the discretion of the instructor and shall not count towards a course hour. Providers shall

furnish a sign-in sheet that contains the course date(s), each licensee's name, license number, and designated space for each licensee to sign in at the beginning and conclusion of the course each day. Furthermore, the form shall state that a licensee by signing their name on that sheet, is declaring under penalty of perjury, that they personally attended the stated course, on the listed date(s) and they personally attended the listed hours of course work. Each licensee shall be responsible for signing the "sign-in sheet" at the start and conclusion of each day's coursework, and failure to do so may invalidate credit for that day's coursework.

(df) The board shall not approve the following subjects for continuing education courses: financial management, income generation, practice building, collections, self-motivation, and patient recruitment.

(eg) If a provider makes a substantive change in content of an approved course, he or she shall notify the board as soon as possible of the changes prior to giving the course. A new application may be required as determined by the Executive Officer.

(fh) The Executive Officer, after notification, may withdraw approval of any continuing education course for good cause, including, but not limited to, violations of any provision of this regulation or falsification of information and shall provide written notification of such action to the provider. The provider may request an informal hearing with the Executive Officer regarding the reasons for withdrawal of approval stated in the Executive Officer's notification. The appeal must be filed within 30 days of the date of the notification. The Executive Officer shall schedule the informal hearing within 30 days of receipt of the appeal request. Within 10 days following the informal hearing, the Executive Officer shall provide written notification of his or her decision to the provider. If the Executive Officer upholds his or her decision under this subsection, the provider may, within 30 days of the date of the Executive Officer's notification, request a hearing before the board to appeal the Executive Officer's decision. The Executive Officer shall schedule the requested hearing at a future board meeting but not later than 180 days following receipt of the request. Within 10 days of the hearing before the board, the Executive Officer shall provide written notification of the board's decision to the provider. The board's decision shall be the final order in the matter.

NOTE: Authority cited: Sections 1000-4(b), and 1000-4(e), Business and Professions Code **(Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii).**

Reference: Sections 1000-4(b), and 1000-10(a), Business and Professions Code **(Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii).**

§363.1 Distance Learning Courses

In addition to the applicable requirements of Sections 362 and 363, providers of continuing education courses offered through distance learning formats, including, but not limited to, computer, Internet, manuals, compact disks, digital video, versatile discs, and audio and video tapes, shall meet all of the following:

- (a) Disclose course instructors' curriculum vitae or resumes.
- (b) Explain the appropriate level of technology required for a student licensee to successfully participate in the course.
- (c) Make available technical assistance as appropriate to the format.
- (d) Contain security measures to protect the learner's identity, course and related content from unauthorized access.
- (e) Establish a deadline for completion.
- (f) Review instructional materials annually to ensure the content is current and relevant.
- (g) The continuing education provider shall notify the licensee when he or she is leaving a continuing education site and directed to a promotional or sponsored site. Course material may not endorse manufacturers, distributors, or other sellers of chiropractic products or services. Nothing in this section shall be interpreted to prohibit a provider from mentioning a specific product or service solely for educational purposes.

NOTE: Authority cited: Sections 1000-4(b) and 1000-4(e), Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii). Reference: Section 1000-4(b) and 1000-10(a), Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii).

§358 364. Exemptions and Reduction of Requirement.

~~(a) All doctors of chiropractic specifically exempted from, or obtaining a reduction in continuing education requirements include the following:~~

A licensee may qualify for a full or partial exemption, from the continuing education requirements of Section 361 if a licensee meets any of the criterion listed below:

(4a) A licensee who holds a license on inactive status licentiates is not required to complete continuing education on an annual basis; however, they must provide proof of completion of the required continuing education hours prior to activating their license as specified in Section 371(f);

(2b) A New licentiates licensee is exempt from continuing education requirements in the year of initial licensure;

(3c) Teachers. A full-time teacher, as defined by C.C.E. regulation, shall be exempt from the required hours until no longer engaged in full-time chiropractic teaching. An instructor who has taught for one (1) year and currently teaches core curriculum courses for more than eight (8) credit hours per week at any Council on Chiropractic

Education accredited college for at least six (6) months during any license renewal period year shall be exempt from continuing education.

~~(4d) Lecturers. A lecturer shall be given two hours credit for each hour of actual lecturing at a recognized course. Credit for the same course presentation shall be granted only once during each year.~~

A licensee who teaches a board-approved continuing education course may earn one (1) hour of continuing education credit for each hour of lecture up to 24 hours per year.

~~(5e) If a doctor is unable to attend a continuing education course due to ill health, credit may be granted by the board upon request for documented completion of twelve (12) hours of recorded or videotaped approved continuing education course work. Such an exemption request must be made prior to the date that the required continuing education must be completed and in writing to the board's office and must also be accompanied by an attending doctor's statement.~~

~~The licensee shall send to the board's office a signed affidavit affirming he or she has completed twelve (12) hours of approved continuing education tapes and must provide the board with the names and dates of the approved continuing education courses comprising the lecture tapes.~~

Notwithstanding Section 361(c), a licensee who is unable to attend continuing education courses due to a physical disability and provides written certification from a primary health care provider may earn all 24 hours of continuing education credits for the period of the license renewal through Board-approved distance learning courses as defined in Section 363.1.

~~(6f) Commissioners on Examination. Commissioners on Examination who administer the practical examination at least twelve (12) hours annually shall be exempt from the continuing education requirement in the years they act as Commissioners on Examination.~~

A licensee who participates as an examiner for the entire part four portion of the National Board of Chiropractic Examiners (NBCE) examinations shall receive a maximum of six (6) hours of continuing education credit for each examination period conducted by the NBCE during the license renewal period. The licensee must provide written certification from the NBCE confirming the licensee has met the requirements of this subsection.

~~(7g) An Aactive Board Members. A Pprofessional board members who have has served one full year on the Board of Chiropractic Examiners shall be exempt from the continuing education requirement in each year of board member service.~~

(8h) Notwithstanding Section 361(c), a licensee on active duty with a branch of the armed forces of the United States shall be permitted to take all twenty-four (24) hours of required continuing education through board-approved distance learning courses as defined in Section 363.1.

NOTE: Authority cited: Sections 1000-4(b), Business and Professions Code
(Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii).
Reference: Sections 1000-4(b) and 1000-4(e), Business and Professions Code
(Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii).

§359 365. Revoked or Suspended Licenses.

Any person making application for reinstatement or restoration of a license which has been revoked or suspended may shall be required, as a part of the relief granted, to fulfill the continuing education requirements for each year the license was revoked and may be required to complete an approved course of continuing education, or to complete such study or training as the board may require deems appropriate.

**NOTE: Authority cited: Section 1000-4(b), Business and Professions Code
(Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii).
Reference: Sections 1000-4(b), 1000-4(e) and 1000-10, Business and Professions Code
(Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii).**

§360 366. Continuing Education Audits.

The Board shall conduct random audits to verify compliance with Continuing Education requirements of active licensees. Licensees shall secure and retain documents certificates of completion issued to them at the time of attendance of Board-approved Continuing Education courses for a period of four (4) years from their last renewal and shall forward such proof these documents to the Board upon request.

Licensees who fail to retain documents certificates of completion shall obtain duplicate documents certificates, from Board-approved Continuing Education providers, who shall issue duplicates only to licensees whose names appear on the providers' rosters of course attendees. The documents certificates of completion shall be clearly marked "duplicate" and shall contain the information specified in Section 362(d)(6) licensees' names and license numbers, as well as providers' names, course approval numbers, dates of attendance, and hours earned.

Licensees who furnish false or misleading information to the Board regarding their Continuing Education hours shall be subject to disciplinary action. Providers who provide false or inaccurate verification of a licensee's participation may lose their provider status for up to ten (10) years, at the discretion of the Executive Officer. The full board's ruling, as described in Section 362(e), shall be the final order on the matter.

The board or its designee shall not be restricted from inspecting, observing, or auditing any approved chiropractic course in progress, at no charge.

The board, at its discretion, may contact attendees after a continuing education course as part of the board's auditing process to obtain information regarding the quality and content of the course.

NOTE: Authority cited: Section 1000-4(b), Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii).

Reference: Sections 1000-4(b), 1000-4(e) and 1000-10, Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii).

Article 7.5. License Renewal Requirements

§370. License Renewal Fees.

The following represents fees for license renewals:

- (a) Annual license renewal for active and inactive licenses: \$4250
- (b) License restoration for forfeited and cancelled licenses: double the annual renewal fee
- (c) Inactive to active status license renewal: same as the annual license renewal fee

NOTE: Authority cited: Sections 1000-4(b) and 1000-10, Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii).

Reference: Sections 1000-4(b), 1000-10 and 1000-12, Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii).

§ 355 §371. Annual License Renewals and Restoration.

~~(a) Commencing with the renewal period for 1973, each licensee and each applicant for restoration of a license forfeited for failure to renew shall, as a condition to renewal or restoration of his license and in addition to paying the annual renewal fee of one hundred fifty dollars (\$150.00) or restoration fee of double the annual renewal fee as provided by section 12 of the Act (California Business and Professions Code section 1000-12), submit proof that he has completed within the past 12 months a course of continuing education approved by the board on a form (No. 09RA-1 (8/91) provided by the board titled Renewal Application. The Renewal Application as provided by the board will indicate the current year of renewal.~~

This section shall apply to non-disciplinary license renewal and restoration. Disciplinary license restoration conditions are defined in **Article 10 Section 1000-10** of the **Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923 p.1xxxviii)**.

~~(b) In lieu of submitting the proof of completion of continuing education required under subsection (a) above, any such licensee or applicant may submit a statement, which shall be verified or certified under penalty of perjury, that he or she will not engage in~~

~~the practice of Chiropractic within the State of California during the period for which renewal or restoration is sought unless he or she first completes an approved course of continuing education and submits proof thereof to the board; and that he or she understands that failure to do so will constitute grounds for the suspension or revocation of his or her license. A license that has expired for failure to renew may be renewed at any time within three years after the expiration date. If no application is received within three years, the Board shall cancel the license.~~

A license shall expire annually on the last day of the licensee's birth month. For purposes of Articles 6 and 7.5, the following terms have the following meanings:

(1) "License in forfeiture" is a license that has not been renewed within 60 days of its expiration date.

(2) "Inactive license" has the meaning specified in Business and Professions Code 700.

(3) "Cancelled license" is a license that has been expired for a period of three (3) consecutive years.

~~(c) To restore a cancelled license, the person must submit to the Board's office, in compliance with the application instructions, an application for restoration, pay a fee of twice the annual amount of the renewal fee, and provide evidence of Board-approved continuing education, as specified in California Code of Regulations, section 356, for each 12-month period in which the license was cancelled. Continuing education required to restore a cancelled licensed must be commenced and completed during the 12-month period immediately preceding the request for restoration.~~

To renew an active license, a licensee shall complete and submit a "Renewal" form (R1HDC, Rev. [insert effective date of regulation]), which is incorporated by reference, pay the appropriate fee specified in Section 370(a) prior to the expiration date of the license, and complete the board's continuing education requirements that were in effect during the license renewal period.

~~(d) Licenses for doctors of chiropractic which heretofore expired on the last day of December each year will henceforth expire on the last day of the birth month of the licensee in each year.~~

~~—To facilitate the conversion to the birthdate renewal system for doctors of chiropractic, licenses that expire on December 31, 1991 will be renewed for periods from seven (7) to eighteen (18) months. The fee to be paid shall be that determined by multiplying 1/12 of the renewal fee by the number of months of licensure in accord with the following schedule. All fees shall be rounded to the nearest whole dollar.~~

~~Will Be Licensed for~~

~~Licenses Born In _____ The Period _____ Months of~~

~~Licensure~~

~~— January _____ January 92-January 93 _____ 13~~

February	January 92-February 93	14
March	January 92-March 93	15
April	January 92-April 93	16
May	January 92-May 93	17
June	January 92-June 93	18
July	January 92-July 92	7
August	January 92-August 92	8
September	January 92-September 92	9
October	January 92-October 92	10
November	January 92-November 92	11
December	January 92-December 92	12

~~This will be a one time reduction or increase, effective January 1992 all licenses will be annually renewed on a birthdate renewal system.~~

~~This subsection shall remain in effect until June 30, 1993, and on such date is repealed.~~

To renew an inactive license, a licensee shall complete and submit a "Renewal" form (R1HDC, Rev. [insert effective date of regulation]) and pay the appropriate fee specified in Section 370(a) prior to the expiration date of the license.

(e) To renew and restore a license in forfeiture, a licensee shall complete and submit a "Forfeiture Notice" form (D1HDC, Rev. [insert effective date of regulation]) and an "Application for Restoration of License" form (Revision date 02/10), which are incorporated by reference, pay the appropriate fees specified in Section 370(b) and have met one of the following continuing education requirements:

(1) Completed the board's continuing education requirements that were in effect at the time of each license renewal period;

(2) Practiced in another state under an active valid license and completed all continuing education requirements for that state for each license renewal period the license was expired;

(3) Passed the National Board of Chiropractic Examiners (NBCE) Special Purposes Examination for Chiropractic examination within six (6) months prior to submitting the Application for Restoration of License (Revision date 02/10).

(f) To restore an inactive license to active status, a licensee shall complete and submit an "Inactive to Active Status Application" form (Revision date 02/10), which is incorporated by reference, pay the appropriate fee specified in Section 370(c) prior to the expiration date of the license, and complete continuing education equivalent to that required for a single license renewal period.

(g) To restore a cancelled license, a licensee shall complete and submit an "Application for Restoration of License" form (Revision date 02/10), pay the appropriate fee specified in Section 370(b), and have met one of the following continuing education requirements:

(1) Completed the board's continuing education requirements that were in effect at the time of each license renewal period;

(2) Practiced in another state under an active valid license and completed all continuing education requirements for that state for each license renewal period the license was expired;

(3) Passed the National Board of Chiropractic Examiners (NBCE) Special Purposes Examination for Chiropractic examination within six (6) months prior to submitting the Application for Restoration of License (Revision date 02/10).

(h) The board will not process incomplete applications nor complete applications that do not include the correct fee as specified in Section 370.

(i) In addition to any other requirement for renewal or restoration of a license, a licensee shall disclose whether, since the last renewal of his or her license, he or she has been convicted of any violation of the law in this or any other state, the United States, or other country. However, licensees are not required to disclose traffic infractions that resulted in fines of less than five hundred dollars (\$500) that did not involve alcohol, dangerous drugs, or controlled substances.

NOTE: Authority cited: Sections 1000-4(b) and 1000-10(a), Business and Professions Code **(Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii)**.

Reference: Sections **1000-4(b), 1000-10 and 1000-12**, Business and Professions Code **(Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii)** and **Penal Code Sections 11105 and 11105.2**.

§355.1 372. Continued Jurisdiction of a License.

The suspension, expiration, or forfeiture by operation of law of a license issued by the board, or its suspension, or forfeiture, by order of the board or by order of a court of law, or its surrender without the written consent of the board shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any

ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.

NOTE: Authority cited: Sections 1000-4(b) and 1000-10, Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii).

Reference: Sections 1000-4(b) and 1000-10, Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii).